

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

SEGONE, INC.,
Plaintiff,

v.

FOX BROADCASTING COMPANY,
Defendant.

Civil Action No. 3:07cv342-JRS

DECLARATION OF GREG WLADYKA

I, Greg Wladyka, declare and state as follows:

1. I am currently the President of segOne Canada Inc. segOne Canada is a separately incorporated entity that, among other things, manufactures the segOne Device. I have held my current position since 2003. As the person in charge of manufacturing at segOne Canada Inc., I am familiar with the design and operation of the segOne Device, and I have personal knowledge of the facts set forth in this declaration.

2. The segOne Device is housed in an enclosure similar in size to a DVD player, which, when attached to a television monitor and to a television signal source (such as an over-the-air antenna, cable box or satellite receiver), can detect the transition from television program to advertisement. Upon detecting such a transition, the segOne Device internally switches to another input, thereby causing material, stored within the segOne Device, to display on the attached television. The switching period is timed for up to two minutes. At the end of the period, the segOne Device switches back to the input carrying the cable, satellite or over-the-air programming. Thus, instead of seeing the

commercials playing on the cable, satellite, or over-the-air feed during those two minutes, viewers see advertising material or other alternative content supplied either by segOne or by the particular establishment that has contracted for the use of the segOne Device.

3. The segOne Device does not make a copy of any television program or television advertising spot, including any television program or advertising spot owned, licensed, or distributed by Fox. Rather, the segOne Device simply switches inputs from one program source to another. The operation of the segOne Device is akin to a viewer using a remote control to change channels.

4. The segOne Device does not transmit any form of digital signal. The segOne Device receives an analog signal from a cable feed or from a cable or satellite decoder box, and it outputs an analog signal to the attached television.

I declare this 12th day of September, 2007, under penalty of perjury under the laws of the United States, that the foregoing is true and correct to the best of my recollection.



Greg Wladyka